




Frank W. Volk, Chief Judge
United States Bankruptcy Court
Southern District of West Virginia

Dated: October 9th, 2018

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

IN RE:

DENNIS RAY JOHNSON, II, *et al.*

Debtor-in-Possession.

PEOPLES BANK, an Ohio Banking
Corporation, as assignee of Producers Coal,
Inc. and Moussie Processing, LLC

Plaintiff,

v.

KENTUCKY FUEL CORPORATION, a
Delaware Corporation,

Defendant.

Bankruptcy No. 3:16-bk-30227

Chapter 11

Adversary Pro. No. 3:18-AP-03004

CONSENT JUDGMENT

Plaintiff, Peoples Bank (“Peoples”), an Ohio Banking Corporation, through its undersigned counsel, and Defendant, Kentucky Fuel Corporation (“Kentucky Fuel”), through undersigned counsel, stipulate and agree as follows:

WHEREAS, On March 28, 2018, Peoples filed a Complaint against Kentucky Fuel for breach of contract. [See Compl. ECF No. 1]. Kentucky Fuel filed its Answer on May 16, 2018 [See Ans. Compl. ECF No. 5].

WHEREAS, without admitting liability, Kentucky Fuel nevertheless wishes to resolve this matter and it hereby consents to entry of judgment in favor of Peoples and against it in the above-captioned case.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, ORDERED AND ADJUDGED THAT JUDGMENT be entered as follows:

1. Kentucky Fuel consents to the jurisdiction of this Court to enter final judgment as against it in this proceeding.
2. Judgment (the "Consent Judgment") is hereby entered in favor Peoples Bank and against Kentucky Fuel in the amount of Nine Hundred Fifty Thousand Dollars (\$950,000.00).
3. This Consent Judgment is not appealable.
4. The Bankruptcy Court shall have exclusive jurisdiction over any action to enforce this Consent Judgment, or any provision thereof.
5. Kentucky Fuels has obtained the advice of counsel and is consenting and agreeing to all of the terms of this Consent Judgment freely and voluntarily.
6. The Clerk of Court shall enter this Consent Judgment promptly on the docket of the Court.

IT IS SO ORDERED.

AGREED AND CONSENTED TO:

Peoples Bank
By Counsel,

BERNSTEIN-BURKLEY, P.C.

/s/ John J. Richardson
John J. Richardson, Esq. (WVSB# 13140)
jrichardson@bernsteinlaw.com
707 Grant Street, Suite 2200 Gulf Tower
Pittsburgh, PA 15219
Tel: (412) 456-8107
Fax: (412) 456-8135

Kentucky Fuel Corporation
By Counsel,

SHELTON, BRANHAM & HALBERT, PLLC

/s/ Billy R. Shelton
Billy R. Shelton, Esq. (W.V. Bar # 12926)
bshelton@sbhlegal.net
2452 Sir Barton Way, Suite 101
Lexington, KY 40509
Tel: (859) 294-6868